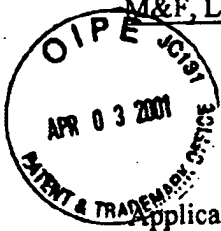




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PATENT TRADEMARK OFFICE

Docket No.HUM00-23M&F, LLP Ref. No.: 2976-4037IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tim KEITH, Randall LITTLE, Paul VAN EERDEWEGH, Josée DUPUIS, Richard DEL MASTRO, Jason SIMON, Kristina ALLEN and Sunil PANDIT

Serial No. : 09/627,465

Filed : July 28, 2000

For : Novel Human Gene Relating to Respiratory Disease and Obesity

Group Art Unit : 1646

Examiner : To be Assigned

PETITION UNDER 37 C.F.R. §1.47(a)

RECEIVED

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OFFICE OF PETITIONS

Commissioner of Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that the combined declaration and power of attorney in above-identified patent application be accepted without the signature of Sanil Pandit, one of the eight joint inventors of the subject matter of the application, pursuant to 37 C.F.R. § 1.47(a).

Inventor Sunil PANDIT does not respond to repeated requests for him to execute the combined declaration and power of attorney, following diligent efforts to reach him and to request that he sign this document, as detailed in the accompanying Statement of Facts. Therefore, inventors Tim KEITH, Randall LITTLE, Paul VAN EERDEWEGH, Josée DUPUIS, Richard DEL MASTRO, Jason SIMON, and Kristina ALLEN are signing the combined

declaration and power of attorney on behalf of themselves and also on behalf of the non-signing inventor Sanil PANDIT in accordance with 37 C.F.R. §1.47(a).

This Petition is also accompanied by the following:

(1) a response to the Notice to File Missing Parts of a Nonprovisional Patent Application, Filing Date Granted, mailed October 5, 2000 from the United States Patent and Trademark Office;

(2) a combined declaration and power of attorney executed by joint inventors Tim Keith, Randall Little, Paul Van Eerdewegh, Josée Dupuis, Richard Del Mastro, Jason Simon and Kristina Allen on behalf of themselves and also on behalf of the non-signing inventor Sunil Pandit.

(3) a check for the surcharge of \$130.00 for the filing of a belated declaration.

(4) a Statement of Facts, signed by Leslie Serunian of Morgan & Finnegan, LLP, retained by Genome Therapeutics Corporation to prosecute the above-referenced patent application, which accompanies this Petition and provides facts in support of the need of the signing inventors to sign the declaration for this application on behalf of themselves and an omitted inventor who refuses to sign the declaration, after diligent effort in accordance with 37 C.F.R. § 1.47(a);

(5) a petition pursuant to 37 C.F.R. §1.136(a) for a four (4) month extension of time to effect timely filing of the response to the Notice, the accompanying documentation and the petition under 37 C.F.R. §1.47(a);

(6) a check for \$1,390.00 (for the four month extension of time); and

(7) a check for \$130.00 for the requisite fee accompanying the petition under 37 C.F.R. §1.47(a).

The most current address known for the nonsigning inventor is stated in the Statement of Facts and is as follows: Sunil Pandit, 353 W Side Drive, Apt. 202, Gaithersburg, Maryland 20878 USA. Sunil Pandit's current telephone number is (301) 527-1324.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fee(s) which may be required for this Petition under 37 C.F.R. §1.47(a), and accompanying papers, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2976-4037.

Respectfully submitted,

MORGAN & FINNEGAN, LLP

Dated: April 3, 2001

By: Leslie Serunian

Leslie Serunian

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